

Background Investigation Policy and Procedure for Small Volunteer Fire Departments in Idaho

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Certification Statement

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

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## Abstract

The problem was Coolin-Cavanaugh Bay Fire Protection District (CCBFPD) did not have a background investigation policy and procedure for new or current volunteers. The purpose of the research was to develop a comprehensive Standard Operating Procedure (SOP) for background investigation of potential and current volunteers. Action research was used to answer the following questions: (a) What is legal in the State of Idaho for fire department volunteer applicant background checks, (b) what is the purpose of a background check for new or current volunteers, (c) what is the policy for background checks for new or current volunteers, and (d) What is the procedure for background checks for new or current volunteers? A literature review utilized resources to support the legality, purpose, policy and procedure for conducting background checks on CCBFPD volunteers. Procedures included researching the steps required by the Idaho State Patrol Bureau of Criminal Identification (ISP BCI) for becoming an eligible agency and the procedures laid out to submit fingerprint based criminal background checks. Results defined the path to becoming an eligible agency and a procedure for the background checks themselves. Components of the ISP BCI user agreement lead the outline of the Standard Operating Procedure produced for CCBFPD Fire Commissioners approval. Recommendations included submitting a draft SOP for conducting background checks to the CCBFPD Fire Commissioners for approval. After approval the recommendation is to initiate background checks on all current volunteers and any new volunteer applicant and revisit and revise as necessary.

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## Introduction

Coolin-Cavanaugh Bay Fire Protection District (CCBFPD) serves a district in the resort area of Priest Lake, Idaho. Coolin, Idaho is a small rural town in extreme North Idaho and sits at the south end of Priest Lake with approximately 260 full time residents and a population that swells dramatically in the summer months with non-resident cabin owners and tourist.

CCBFPD enjoys volunteers that include residents, part time non-residents, in state and out of state alike. The problem is CCBFPD has not had a background check procedure for new or existing volunteers. The purpose of this research was to develop a policy and procedure document to be accepted by the Fire Commissioners of CCBFPD and have the procedure become effective immediately. The action research method was used to answer the following research questions: (a) What is legal in the State of Idaho for fire department volunteer applicant background checks, (b) what is the purpose of a background check for new or current volunteers, (c) what is the policy for background checks for new or current volunteers, and (d) What is the procedure for background checks for new or current volunteers?

### Background and Significance

Coolin-Cavanaugh Bay Fire Protection District underwent a revitalization process in 2011 with intense volunteer recruitment efforts swelling the ranks from three active volunteers to 35 volunteers with 20 holding the “active” status. A leadership team was created and currently consists of a Fire Chief, two Captains, and a Lieutenant. The new leadership increased training requirements, requiring National Incident Management System (NIMS), Firefighter I, and many other basic firefighters training to increase our competence on the fire ground. CCBFPD is becoming more and more active in the community by training, fundraising, and assisting non-profit organizations with events. This activity is garnering attention from people wanting to volunteer.

With no background check procedure in place we have accepted volunteers with a valid driver’s license and little else. By not conducting background investigations into potential and current volunteers CCBFPD is leaving itself open to harboring a criminal among our ranks, putting the public at risk, and/or potentially damaging our hard won reputation.

After discussing this with other Chiefs in Bonner County Idaho it became apparent that very few have a policy for conducting background checks. “The stunning reality is that there are both career and volunteer departments across this country that have *never* done a background investigation on their members—not when a member joins, and certainly not as part of a periodic check to ensure that members conduct themselves in accordance with department expectations” (Tobia, 2013).

*Linkage of Research to the Executive Leadership Course and the United States Fire Administration Operational Objectives*

This action research supports the initiative of the United States Fire Service's Executive Fire Officer Program stating, "1. The need to transform fire and emergency services organizations from being reactive to proactive with an emphasis on leadership development, prevention, and reduction" (United States Fire Administration, 2013), by creating a background check procedure that is proactive and reduces the risk of having criminals in the volunteer ranks of the fire department. "The best way for an organization to maximize performance and minimize risk is to create policies and programs for hiring and disciplining employees. Effective systems set clear expectations, provide for consistent enforcement and give employees a sense of fairness" (Palermo, 2006).

This action applied research project supports the United States Fire Administration Strategic Plan through "Goal #5: Lead the Nation's Fire and Emergency Services by Establishing and Sustaining USFA as a Dynamic Organization" (United States Fire Administration , 2009, p. 21). And, specifically through the objectives listed under Goal #5; "Maintain a positive work environment to ensure the organizations well-being and productivity; Continuously improve our business systems and process; and Communicate the relevance and value of USFA to the day to day mission of the fire and emergency services" (United States Fire Administration , 2009, p. 21). By creating policy proactively CCBFPD is continually improving its business systems, creating a positive and safe volunteer environment, and increasing organizational well-being.

## Literature Review

A literature review was conducted utilizing informal communications among Bonner County Fire Chiefs and North Idaho Fire Chiefs Associations, research through phone conversations and website searches of the Bonner County Sheriff's Office and Idaho State Patrol, book reviews, fire service journals and publications, local public libraries, past EFO applied research projects, and the internet. The purpose of the literature review was to summarize research findings and information on conducting background checks, review other background check policies, and understand the legal aspects of implementing a background check policy and procedure.

Reviewing the literature for research question, (a) what is legal in the State of Idaho for fire department volunteer applicant background checks? The author started with the State of Idaho and soon discovered that the Idaho State Police Bureau of Criminal Identification provided a means for volunteer agencies to conduct fingerprint background checks on potential and existing volunteers. "The Bureau of Criminal Identification (BCI) provides information and identification services that assist law enforcement agencies detect and apprehend criminals, which promote public and officer safety, and that support the criminal justice system in the prosecution, adjudication and correctional supervision of offenders" (State of Idaho, 2013).

It states on the State of Idaho's Bureau of Investigation website that it "is the State's central repository of criminal records, fingerprints, and crime statistics. Consistent with that role, it also coordinates terminal access to the Idaho Public Safety and Security System, known as ILETS through training and compliance activities, serves as the control terminal agency for

the National Crime Information Center (NCIC), and operates the Automated Fingerprint Identification System (AFIS)” (State of Idaho, 2013).

To understand further the legality of conducting background investigation on volunteers the author researched were the directive started. “In November 1993, the United States Congress passed both the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993. These Acts, which were quickly signed into law by President Clinton, require that national criminal history record checks be done of firearms purchasers and applicants for child care employment” (Chaiken, 1994). The Violent Crime Control and Law Enforcement Act of 1994 subsequently amended this Act to also include those seeking employment with the elderly and disabled. The law authorized \$20 million in grants to the States for fiscal 1994-1997, to assist them in improving their record systems to comply with the law. “ These two major new laws impose a great deal of responsibility on the States, and in many cases will require States to upgrade their criminal history record systems in order to comply with them” (Chaiken, 1994).

The grant money assisted the State of Idaho to create its Bureau of Criminal Identification system and processes. “Federal agencies must enforce the statutes enacted by Congress and signed into law by the president” (Bennett, 2008).

The Idaho State Police offers a process for agencies to conduct background checks on employees or volunteers. The Idaho State Police Bureau of Criminal Identification states a “user is a public, private for profit, or not-for-profit entity operating within the State of Idaho and is authorized to submit fingerprint cards and review resultant criminal history records as

part of the screening process for its current and/or prospective employees and volunteers (which classes of persons shall be understood for purposes of this Agreement to include contractors and vendors who have or may have unsupervised access to the children, disabled, or elderly persons for whom User provides care), pursuant to the NCPA, and forms the legal basis for User's access to criminal history record information derived from the systems of the U.S. Department of Justice; and User is desirous of obtaining and ISP is required and willing to provide such services so long as proper reimbursement is made and all applicable federal and state laws, rules, and regulations are strictly complied with" (Idaho State Police Bureau of Criminal Identification, 2013).

Reviewing the literature for research question (b) what is the purpose of a background check for new or current volunteers? The Author relied heavily on Human Resource Department articles and writings on leadership. The purpose of creating a policy and procedure to conduct background checks on volunteer applicants and periodic checks on current volunteer to ensure the safety of the public and safe guard the integrity of Coolin-Cavanaugh Bay Fire Protection District (CCBFPD). It is the purpose of CCBFPD to set policy and procedures that enhance the volunteer experience and set the tone of the seriousness of our roles in the community. As Gil Tumey, who is a CCBFPD volunteer and wrote a book jointly with Jed Selter titled *The Journey: Revelations for Personal & Professional Relationships* stated, "The broadest definition of a company success can go beyond profit, and even beyond support to employees. It can include the good the company can do in the community. The payback to

the company is that the community will view it as a good neighbor and see that it is focused beyond itself for the greater good of others” (Selter, 2000).

Setting policy in the fire service is a must to protect the volunteers, the public and the agency. “The fire service has unparalleled access to the public. We’re allowed into homes without a warrant; we go into schools and daycare centers to conduct educational programs and fire prevention inspections. We’re alone with those who are most vulnerable in their most defenseless moments” (Tobia, 2013).

The purpose of creating a background check policy and procedure checks on volunteer applicants and periodic checks on current volunteer to ensure the safety of the public and safe guard the integrity of Coolin-Cavanaugh Bay Fire Protection District (CCBFPD).

Reviewing the literature for research question (c) what is the policy for background checks for new or current volunteers? The author reviewed creating policy in general for the fire service and outside the fire service. “In order for policies to be effective, they need to address genuine needs within a business and be formulated in ways that are easy to follow and produce genuine results. Company policies should be clear and consistent, creating standards that apply to everyone in the company. This consistency signals to employees that a policy is reasonable, justified and relevant, creating natural incentives for employees to follow it, not only in its details, but also in its spirit” (Gartenstein, 2013). Creating a background check policy for volunteer fire departments does address genuine need within the department and the policy for CCBFPD will strive to ensure the positive nature or spirit of such policy.

Mike Broemmel suggests seven steps to creating policy in his article titled *How to Create Corporations Policies and Procedures*. The steps proved useful in creating policy for CCBFPD and they are as follows:

*Step 1*

*Present a resolution to the board of directors of the corporation seeking the establishment of a committee or the designation of an individual to prepare craft corporation policies and procedures. Office supply stores stock standard form corporate resolution forms. A resolution can generally call for the creation of policies and procedures or it can establish specific parameters for the designated committee or individual to follow.*

*Step 2*

*Vote on the resolution to create corporate policies and procedures. A majority vote directors present at a board meeting with a quorum likely is required.*

*Step 3*

*Establish the elements of the proposed corporation policies and procedures, if not included in the board resolution starting the process. Standard elements of corporation policies and procedures are those establishing business goals and objectives, dealing with personnel and outlining financial and accounting matters.*

*Step 4*

*Develop specific policies and procedures associated with each element of the comprehensive document. Professional guidance may be required. For example, the assistance of an experienced accountant is useful in developing financial and accounting practices of the corporation.*

*Step 5*

*Include a specific provision in the policies and procedures about how they can be amended in the future.*

*Step 6*

*Present the completed initial draft of the corporate policies and procedures to the board of directors. Often, the director submits the draft to a board committee for a close review and analysis. The committee makes one of three potential recommendations to the board: approve as drafted, approve as amended or disapprove.*

*Step 7*

*Obtain a final vote on the original or amended policies and procedures. Once the board approves a final draft of the document, the policies and procedures take effect.*

(Broemmel, 2013).

There are any many reasons to create policy, but an important factor in the fire service is minimizing risk to the public and the organization. Steve Schlarman suggests in his article titled *Developing Effective Policy, Procedures and Standards* that policy is the first line of defense against risk and regulatory issues. Mr. Schlarman states, "Pick up any book on strategic business process development and, within the first few chapters, you will find a discussion on the importance of policy. Policies are the first line of defense against risk from an organizational perspective. While technologies, processes, and ultimately, people are the soldiers on the front lines, policy is the strategic direction that guides the organization toward objectives and goals. The importance of policy is supported by a quick review of current regulatory issues facing companies. While regulations, whether governmental or industry driven, are typically on the "grey" side when prescribing control requirements, the need for defined policy within the organization is always included" (Schlarman).

Reviewing the literature for question and (d) what is the procedure for background checks for new or current volunteers? The author researched what was required by the Idaho State Police Bureau of Criminal Investigation to apply to participate in the fingerprint program. Research was conducted on private investigation companies for cost comparison and research was conducted into how the procedure should be carried out, updated and revised.

The Idaho State Police Bureau of Criminal Identification requires entities to fill out a Qualified Entity Application and an Applicant Fingerprint Program User Agreement to become an entity entitled to request fingerprint based criminal background checks. Both forms are in Appendix A. After the entity is accepted they will have the ability to send fingerprint cards,

along with the Fingerprint Based Criminal Background Check Form, in Appendix B to the office of Idaho State Police Bureau of Criminal Identification. All forms are located on the Idaho State Police Bureau of Criminal Identification at <http://www.isp.idaho.gov/BCI/documents> (Idaho State Police Bureau of Criminal Identification, 2013).

To ensure that going through the Idaho State Police Bureau of Identification was the best choice for CCBFPD there were searches on the internet on private companies that do background checks for a fee. A simple Google search reveals many companies willing to conduct background checks for a fee. Many require name, birthdate and Social Security number to run a check which includes background checks. An example is [www.sentrylink.com](http://www.sentrylink.com). They advertise "Instant Criminal Background Check: Search over 500 million records immediately. Results will appear in approximately 60 seconds, and we will also e-mail you a copy" (Sentry Link). There are many, many more such companies on the internet. Choosing one of these companies over the Idaho State Police is not an option due to the unknown security of the information given and the validity of the information received.

Outlining a clear procedure for conducting and securing background checks will be vital to its successful implementation.

### Procedures

An action research methodology supports the development of a background check policy and procedure for CCBFPD. Research methods included a literature review, informal discussions with fire chiefs from North Idaho agencies, discussions with CCBFPD Fire

Commissioners as the author asked permission to proceed with creating background check policy and procedure.

For the literature review the author utilized the National Emergency Training Center (NETC) Learning Resource Center (LRC) in person February 2013, reviewing Executive Fire Officer Program Applied Research Projects and a number of print materials relating to fire service policy. Online LRC searches were utilized during the research process. Leadership, business, policy creation, and fire service legal books, journals and other materials were researched online and in local public libraries. Several emergency services, leadership and small business websites also provided valuable information. The author relied on the advice of the Fire Commissioners and colleagues to guide how the policy and procedure will be implemented.

The literature review assisted in answering the research questions: (a) What is legal in the State of Idaho for fire department volunteer applicant background checks, (b) what is the purpose of a background check for new or current volunteers, (c) what is the policy for background checks for new or current volunteers, and (d) What is the procedure for background checks for new or current volunteers. The literature review established the order of procedures and the details of the policy for background checks. The literature review also created a clear path for the policy and procedure to be created, approved and implemented at CCBFPD.

The limitations to the procedures used are it relied heavily on literature review which leads to implementing an existing system from Idaho State Patrol Bureau of Criminal

Identification. Other limitations were discussions with other Chiefs in North Idaho on an informal basis. The insight gained from these interactions cannot be duplicated, but significantly influenced the author into pursuing the creation of background check policy and procedure for CCBFPD in hopes that it will be of service to other small, rural volunteer fire departments in Idaho. It is a goal to share this information to expedite implementation of a background check policy and procedure for other department that may not have the time or resources to research these results themselves.

Limitations with the Standard Operating Procedure (SOP) created are it does not allow for “grandfathered” volunteers to not participate. The goal is for all volunteers to participate in a background check. The SOP does not specifically address what crimes disqualify an applicant and will leave any disputes up to legal counsel. For the purpose of conducting an estimated three to six new applicant per year it is the authors opinion this will be a protect CCBFPD and lessen any concerns over nepotism or favoritism among the volunteers.

## Results

Using the results from an *action research methodology*, this section will provide answers to the four research questions proposed in the project. The results are supported by findings in the literature review and other methods utilized to acquire data for analysis. The forms to be submitted to Idaho State Police Bureau of Criminal Identification to become an agency allowed to submit fingerprint cards to the Bureau of Criminal Identification are in Appendix A, they include the Idaho State Police Bureau of Criminal Identification Applicant Fingerprint Program User Agreement and the Qualified Entity Application: Criminal History Records Checks under

the National Child Protection Act (NCPA) of 1993, as amended. The form required to be completed by individuals seeking to become volunteers and current volunteers are included in Appendix B. And, the Standard Operating Procedure created for CCBFPD to be approved by the Fire Commissioners is included in Appendix C.

Research question (a): What is legal in the State of Idaho for fire department volunteer applicant background checks?

The literature review provided the needed information to discover that the State of Idaho does allow agencies such as CCBFPD to conduct volunteer background checks. The Idaho State Police offers a process for agencies to conduct background checks on employees or volunteers. The Idaho State Police Bureau of Criminal Identification states a “user is a public, private for profit, or not-for-profit entity operating within the State of Idaho and is authorized to submit fingerprint cards and review resultant criminal history records as part of the screening process for its current and/or prospective employees and volunteers (which classes of persons shall be understood for purposes of this Agreement to include (which classes of persons shall be understood for purposes of this Agreement to include contractors and vendors who have or may have unsupervised access to the children, disabled, or elderly persons for whom User provides care), pursuant to the NCPA, and forms the legal basis for User’s access to criminal history record information derived from the systems of the U.S. Department of Justice; and User is desirous of obtaining and ISP is required and willing to provide such services so long as proper reimbursement is made and all applicable federal and state laws, rules, and

regulations are strictly complied with” (Idaho State Police Bureau of Criminal Identification, 2013).

The Qualified Entity Application, included in Appendix A, asks the applicant to “describe the services your entity provides that would qualify your entity to receive state and national criminal history record checks under this program and the applicable laws” (State of Idaho, 2013). CCBFPD filled out this section to read “Coolin-Cavanaugh Bay Fire (CCBFPD) is a registered legal taxing district in the State of Idaho that provides structure fire, auto accident, and other emergency services response to the established district including areas under mutual aid agreements with other agencies. CCBFPD has the potential to interact with children, the elderly, and/or the disabled as they respond to emergency response requests.”

In addition to the Qualified Entity Application CCBFPD filled out the Idaho State Police Bureau of Criminal Identification Applicant Fingerprint Program User Agreement National Child Protection Act of 1993, as amended, a copy included in Appendix A. Approval from the CCBFPD Fire Commissioners to pursue becoming a qualified entity was garnered through email request and the forms were sent into Idaho State Police Bureau of Criminal Identification, 700 S. Stratford Dr., Ste 120, Meridian, Idaho 83642. As of this writing CCBFPD is waiting for approval from the State of Idaho to become a qualified entity to submit fingerprint based criminal background checks on new and current volunteers.

Research question (b): What is the purpose of a background check for new or current volunteers?

The Standard Operating Procedure created through this applied research project, included in Appendix C, states “The purpose of creating a policy and procedure to conduct background checks on volunteer applicants and periodic checks on current volunteer is to ensure the safety of the public and safe guard the integrity of Coolin-Cavanaugh Bay Fire Protection District (CCBFPD).” It is the purpose of CCBFPD to set policy and procedures that enhance the volunteer experience and set the tone of the seriousness of our roles in the community. It is the result of a personal experience by the author when interviewing a potential volunteer, informal conversation with other North Idaho Fire Chiefs, the literature review, and especially Matthew Tobia’s article titled, *The Enemy in Our Midst*, printed in the June 2013 issue of Fire Rescue Magazine (Tobia, 2013), that solidified the author’s purpose for creating a Standard Operating Procedure for conducting background checks for volunteers.

Research question (c): What is the policy for background checks for new or current volunteers?

As a result of the literature review and discussions with the Fire Commissioners of CCBFPD it was decided to not only require checks on new volunteers but to require checks on existing volunteers. The Standard Operating Procedure created through this applied research project, included in Appendix C, states, “It is the policy of Coolin Cavanaugh Bay Fire Protection District (CCBFPD) that all new and existing volunteers undergo a Fingerprint Based Criminal Background Check through Idaho State Police Bureau of Criminal Identification. It is the policy of CCBFPD that existing volunteers undergo periodic background checks to ensure the status of their volunteer position is maintained.”

“In order for policies to be effective, they need to address genuine needs within a business and be formulated in ways that are easy to follow and produce genuine results. Company policies should be clear and consistent, creating standards that apply to everyone in the company. This consistency signals to employees that a policy is reasonable, justified and relevant, creating natural incentives for employees to follow it, not only in its details, but also in its spirit” (Gartenstein, 2013). Creating a background check policy for volunteer fire departments does address genuine need within the department and the policy for CCBFPD will strive to ensure the positive nature or spirit of such policy.

Research question (d): What is the procedure for background checks for new or current volunteers?

The procedure resulted from the literature review of Idaho State Patrol Bureau of Criminal Identification policy for conducting applicant fingerprint based background checks. The step by step procedure for new volunteers is outlined in the procedure section of the created Standard Operating Procedure, included in Appendix C.

Many of the steps leading up to the creation of the Standard Operating Procedure resulted from Mike Broemmel suggested seven steps to create policy.

Mike Broemmel suggests seven steps to creating policy in his article titled *How to Create Corporations Policies and Procedures*. The steps proved useful in creating policy for CCBFPD and they are as follows:

### *Step 1*

*Present a resolution to the board of directors of the corporation seeking the establishment of a committee or the designation of an individual to prepare craft corporation policies and procedures. Office supply stores stock standard form corporate resolution forms. A resolution can generally call for the creation of policies and procedures or it can establish specific parameters for the designated committee or individual to follow.*

#### *Step 2*

*Vote on the resolution to create corporate policies and procedures. A majority vote directors present at a board meeting with a quorum likely is required.*

#### *Step 3*

*Establish the elements of the proposed corporation policies and procedures, if not included in the board resolution starting the process. Standard elements of corporation policies and procedures are those establishing business goals and objectives, dealing with personnel and outlining financial and accounting matters.*

#### *Step 4*

*Develop specific policies and procedures associated with each element of the comprehensive document. Professional guidance may be required. For example, the assistance of an experienced accountant is useful in developing financial and accounting practices of the corporation.*

*Step 5*

*Include a specific provision in the policies and procedures about how they can be amended in the future.*

*Step 6*

*Present the completed initial draft of the corporate policies and procedures to the board of directors. Often, the director submits the draft to a board committee for a close review and analysis. The committee makes one of three potential recommendations to the board: approve as drafted, approve as amended or disapprove.*

*Step 7*

*Obtain a final vote on the original or amended policies and procedures. Once the board approves a final draft of the document, the policies and procedures take effect.*

(Broemmel, 2013).

Although steps one through three were not conducted in the suggested professional structure, the author did request approval from the CCBFPD Fire Commissioners to proceed with creating a Standard Operating Procedure for conducting background checks on new and existing volunteers. Step four is to create the SOP and have it reviewed, if necessary, by professionals. Step five is to allow for amendments in the future, step six and seven are to have a draft to be amended or approved and a final vote on implementing the procedure.

The results of following these steps is the author has a draft ready to present for final vote of the CCBFPD Fire Commissioners. The draft is included in Appendix C.

### Discussion

Many findings of this research are supported by the findings of others. These findings were analyze and discussed through the literature review.

It became clear that there is a need for criminal background check policy and procedure after discussions with other North Idaho Fire Chiefs and after the article in *Fire Rescue Magazine* where author Matthew Tobia reinforced the discussion that setting policy in the fire service is a must to protect the volunteers, the public and the agency. “The fire service has unparalleled access to the public. We’re allowed into homes without a warrant; we go into schools and daycare centers to conduct educational programs and fire prevention inspections. We’re alone with those who are most vulnerable in their most defenseless moments” (Tobia, 2013).

Having a clear purpose for setting policy is the key to its longevity and acceptance. “In order for policies to be effective, they need to address genuine needs within a business and be formulated in ways that are easy to follow and produce genuine results. Company policies should be clear and consistent, creating standards that apply to everyone in the company. This consistency signals to employees that a policy is reasonable, justified and relevant, creating natural incentives for employees to follow it, not only in its details, but also in its spirit” (Gartenstein, 2013). Due to the fire services unfettered access to children, the elderly, and the disabled a clear purpose is established.

The interpretation of the literature review is that background check policy and procedures are not part of many small rural volunteer fire departments in North Idaho. It became apparent that creating these policy and procedures is vital for the safety of the public and the integrity of the organization.

The literature review set out a clear path for qualifying agencies to conduct fingerprint based background checks through the Idaho State Patrol Bureau of Criminal Identification website. On the website there are applications for qualified entities and a program user agreement (State of Idaho, 2013).

Creating policy and procedure for an agency must be done within the governing body of the organization. Mike Broemmel's seven steps to creating policy in his article titled, *How to Create Corporations Policies and Procedures*, helped the author go through the proper channels for creating policy and procedure. This information was important to CCBFPD due to the lack of existing Standard Operating Procedures at this agency to date. The SOP created was one of five existing for the agency.

The Idaho State Police Bureau of Criminal Identification Applicant Fingerprint Program User Agreement, National Child Protection Act of 1993, as amended gives clear instruction on components of conducting background checks. CCBFPD uses this agreement as a supplement document to the Standard Operating Procedure to conduct background checks and stay within the agreement. This document is included in Appendix A. Overall the user agreement is the basis for the SOP created for CCBFPD.

The author interpreted the literature review as reinforcing the need for background check policy and procedure for CCBFPD and the volunteer fire service in general. The results for

Coolin-Cavanaugh Bay Fire Protection District are a Standard Operating Procedure to conduct background checks which adds a layer of protection to the community CCBFPD serves.

#### Recommendations

As stated in the results section to this paper the State of Idaho does allow agencies such as CCBFPD to conduct volunteer background checks. The Idaho State Police offers a process for agencies to conduct background checks on employees or volunteers. It is recommended that CCBFPD follow the guideline laid out in the Idaho State Police Bureau of Criminal Identification Applicant Fingerprint Program User Agreement.

As stated in the results section of this paper the draft of the CCBFPD Standard Operating Procedure (SOP) for conducting background checks will be drafted, revised and submitted for final approval to the Fire Commissioners of Coolin-Cavanaugh Bay Fire Protection District. This SOP will then be initiated for the current volunteers and any new volunteer applicants.

It is also recommended that periodic analysis and updating of the Background Check Standard Operating Procedure for CCBFPD be conducted.

Future readers on the topic of policy and procedures for conducting background checks in the State of Idaho will benefit from a literature review that supports the purpose, policy and procedure for a background check standard operating procedure for their department, especially small departments which lack administrative support for creating policy.

The recommendation and attached Standard Operating Procedure resulting from this action research pertain specifically to CCBFPD and CCBFPD volunteers. Although these findings can provide a guideline for other Idaho volunteer agencies to consider, it is recommended

other agencies make considerations for their specific agency needs. Other resources may need to be considered for a final SOP to be adopted.

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Appendix A



**Idaho State Police**  
**Bureau of Criminal Identification**



**QUALIFIED ENTITY APPLICATION**

**Criminal History Records Checks under the National Child Protection Act (NCPA) of 1993, as amended**

ENTITY NAME: \_\_\_\_\_

PHYSICAL OPERATING ADDRESS IN IDAHO: \_\_\_\_\_

\_\_\_\_\_ COUNTY: \_\_\_\_\_

MAIN CORPORATE/ORGANIZATION PHYSICAL ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

ENTITY PHONE: ( ) \_\_\_\_\_ FAX: ( ) \_\_\_\_\_

NAME OF ENTITY HEAD: \_\_\_\_\_ TITLE: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ TITLE: \_\_\_\_\_

CONTACT PHONE: ( ) \_\_\_\_\_ E-MAIL ADDRESS: \_\_\_\_\_

LEGAL TYPE OF ENTITY (Select *one*): Governmental (Public)  Private - Non-Profit  Private - Profit

Please check all appropriate areas below that apply to the service(s) provided by your entity to children, the elderly, and/or the disabled. NOTE: A "child" includes any unmarried person less than 18 years of age that has not been emancipated by order of a court. An "elderly person" means any person 60 years of age or older. A "disabled person" includes any person with a mental or physical impairment who requires assistance to perform one or more daily tasks.

Type of Person(s)	Care or Treatment	Education, Training Or Instruction	Supervision	Recreation	Care Placement
Child					
Elderly					
Disabled					

ENTITY MISSION STATEMENT/SUMMARY OF TYPE OF SERVICES YOUR ENTITY PROVIDES - Please describe the services your entity provides that would qualify your entity to receive state and national criminal history record checks under this program and the applicable laws:

\_\_\_\_\_

Do you plan to request state & national criminal history checks through the Idaho State Police Records Check Program on YOUR current or prospective IDAHO employees, volunteers, contractors/vendors? YES \_\_\_\_\_ NO \_\_\_\_\_

(Contractors or vendors may be checked through the Idaho State Police Records Check Program, if they have or may have unsupervised access to the children, elderly, or disable persons for whom a qualified entity provides care.)

Number of Current Employees:

Number of Current Volunteers:

Number of Expected New Employees During the next 12 months:

Number of Expected New Volunteers during the next 12 months:

Approximately how many fingerprint cards do you anticipate submitting to ISP, BCI, through the Idaho criminal history check program, within the next twelve (12) months?

SIGNATURE OF ENTITY HEAD: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR ISP USE ONLY	
<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED - Reason for Denial _____

Please mail your completed application to ISP at the address below. For further information, please contact us at the number below.

IDAHO STATE POLICE  
BUREAU OF CRIMINAL IDENTIFICATION  
700 S. Stratford Dr. Ste. 120  
MERIDIAN ID 83642  
(208) 884-7159



**Idaho State Police**  
**Bureau of Criminal Identification**  
**Applicant Fingerprint Program User Agreement**  
**National Child Protection Act of 1993, as amended**



**I. Parties to Agreement**

This Agreement, entered into by the Idaho State Police (hereinafter referred to as ISP), an agency of the State of Idaho,

and \_\_\_\_\_ (hereinafter referred to as User),

located at \_\_\_\_\_

is intended to set forth the terms and conditions under which criminal history background checks authorized by the National Child Protection Act of 1993, as amended, (hereinafter referred to as the NCPA), shall be conducted.

- A. ISP has established and maintains intrastate systems for the collection, compilation, and dissemination of state criminal history records and information in accordance with Idaho Title 67, Chapter 30, and, additionally, is authorized and does participate in similar multi-state and federal criminal history records;
- B. ISP and its user agencies are subject to and must comply with pertinent state and federal regulations relating to the receipt, use, and dissemination of records and record information derived from the systems of ISP and the United States Department of Justice (F.A.C., 28 C.F.R. Part 20);
- C. User is a public, private, for profit, or not-for-profit entity operating within the State of Idaho and is authorized to submit fingerprint cards and review resultant criminal history records as part of the screening process for its current and/or prospective employees and volunteers (which classes of persons shall be understood for purposes of this Agreement to include contractors and vendors who have or may have unsupervised access to the children, disabled, or elderly persons for whom User provides care), pursuant to the NCPA, and forms the legal basis for User's access to criminal history record information derived from the systems of the U.S. Department of Justice; and
- D. User is desirous of obtaining and ISP is required and willing to provide such services so long as proper reimbursement is made and all applicable federal and state laws, rules, and regulations are strictly complied with.

Now, therefore, in light of the foregoing representations and the promises, conditions, terms, and other valuable considerations more fully set forth hereinafter or incorporated by reference and made a part hereof, ISP and User agree as follows:

**II. Service, Compliance, And Processing**

**A. ISP agrees to:**

- 1. Assist User concerning the privacy and security requirements imposed by state and federal laws, and regulations; provide User with copies of all relevant laws, rules, and or regulations as well as updates as they occur;
- 2. Provide User with such state criminal history records and information as reported to, processed, and contained in its systems and legally available to the User; and

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3. Act as an intermediary between User and the United States Department of Justice, securing for the use and benefit of User such federal and multi-state criminal history records or information as may be available to User under federal laws and regulations.

**B. User agrees to:**

1. Submit requests to ISP for criminal history background checks pursuant to this agreement only for User's current and prospective Idaho employees and volunteers, for whom User is not already required to obtain state and national criminal history background checks under any other state or federal statutory provision. User shall continue to comply with all other such statutory provisions for all applicable persons;

2. Determine whether the current or prospective employee or volunteer has been convicted of, or is under pending indictment for, a crime that bears upon his or her fitness to have access to or contact with children, the elderly, or individuals with disabilities;

3. Obtain a completed and signed Waiver Agreement and Statement form (provided by ISP) from every current or prospective employee and volunteer, for whom User submits a request for a criminal history background check to ISP. The signed Waiver Agreement and Statement allows the release of state and national criminal history record information to the qualified entity.

a. The Waiver Agreement and Statement must include the following:

i. the person's name, address, and date of birth that appear on a valid identification document (as defined at 18 U.S.C. section 1028);

ii. an indication of whether the person has or has not been convicted of a crime, and, if convicted, a description of the crime and the particulars of the conviction;

iii. a notification to the person that User may request a criminal history background check on the person as authorized by the NCPA;

iv. notification to the person of his or her rights as explained in paragraph 12 below; and

v. a notification to the person that, prior to the completion of the background check, User may choose to deny him or her unsupervised access to a person to whom User provides care.

vi. User shall retain the original of every Waiver Agreement and Statement for as long as the employee or volunteer is working, or for five years, whichever is longer, and provide ISP with a copy upon request;

4. Use only fingerprint cards provided by ISP specifically designed for use with requests for criminal history record checks under the NCPA; provide ISP with a properly completed and executed fingerprint card for each current or prospective employee and volunteer for whom User requests a criminal history record check pursuant to this agreement; and indicate either "NCPA/VCA VOLUNTEER" or "NCPA/VCA EMPLOYEE" in the "reason fingerprinted" block of each fingerprint card submitted. (VCA refers to Volunteers for Children Act);

5. Keep all records necessary to facilitate a security audit by ISP and to cooperate in such audits as ISP or other authorities may deem necessary. Examples of records that may be subject to audit are criminal history records; notification that an individual has no criminal history; internal policies and procedures

articulating the provisions for physical security; records of all disseminations of criminal history information; and a current, executed User Agreement with ISP;

6. Pay for services provided by ISP and the Federal Bureau of Investigation (FBI), with the submission of fingerprint cards or;

7. If set up on a billing account with ISP for services requested pursuant to this agreement, reimburse ISP, in a timely fashion, upon proper presentation of billing for state services rendered and reimburse the FBI, in a timely fashion via ISP, upon proper presentation of billing for federal services rendered.

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8. Ensure that the appropriate personnel know to keep the information obtained under this agreement in a secure place and to use it only for the screening as outlined in this agreement;

9. Promptly advise ISP of any violations of this agreement; and

10. Notify the current or prospective employee or volunteer of his or her right to obtain a copy of the criminal history records, if any, contained in the report, and of the person's right to challenge the accuracy and completeness of any information contained in any such report, and to obtain a determination as to the validity of such challenge before a final determination regarding the person is made by the qualified entity reviewing the criminal history information. Information on these rights may be obtained by contacting ISP, regarding Idaho records, at ISP, Bureau of Criminal Identification, 700 S. Stratford Drive Ste. 120, Meridian Idaho, 83642, or by contacting the FBI, regarding federal/national records, at FBI, Criminal Justice Information Services Division, ATTN: SCU, MOD D-2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, (304) 625-3878. A qualified entity that is required by law to apply screening criteria, notwithstanding any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the department.

### **III. Privacy and Security**

A. User shall use criminal history record information acquired hereunder only to screen User's Idaho current and/or prospective employees and/or volunteers, and only for purpose(s) of employment and/or determination of suitability for access to children, elderly, or disabled persons, pursuant to the terms of the NCPA of 1993. If User is a governmental agency, such records may additionally be used in administrative hearings associated with one of the enumerated purposes;

B. User shall not commingle criminal history records with other records, whether such other records are public or not;

C. User shall not duplicate and/or disseminate criminal history records acquired hereunder for use outside of User entity except as authorized by state and federal law.

D. User has been approved to receive criminal history record information pursuant to specific statutory authority and shall not use criminal history record information acquired pursuant to such approval for any other purpose;

E. User shall not use or rely upon a criminal history record or information which is or is likely to be out-of-date and, in any event, if criminal activity is pertinent to and considered at the time of an employee or volunteer's service, a current computerized criminal history must be requested and relied upon;

F. User may destroy criminal history records when they are no longer needed. The original Waiver Agreement and Statement form must be retained by User for as long as the employee or volunteer is working for User, or for five years, whichever is longer. Destruction must be accomplished in a way so that the information cannot be retrieved; for example, the records may be shredded;

G. User shall keep criminal history records acquired hereunder in a secure file, safe, or other security device, such as locked file cabinet in an access-controlled area, and shall take such further steps as are necessary to ensure that the records are accessible only to those of its employees who have been trained in their proper use and handling and have a need to examine such records; and

H. **\*\*If Entity Is Subject To The Public Records Act\*\*** - If User is subject to the Public Records Act, Idaho Title 9, Chapter 3, User shall, upon receipt of any request, pursuant to the public records law, for a processed fingerprint card or criminal history record, transmit the request, along with the involved fingerprint card and criminal history record, to the ISP, ATTN: Phil Coolberth. ISP will prepare copies of the involved documents, obliterating any

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state or federal data, which is not available for dissemination under the Idaho public records law, and return all documents to the User for response to the requester. However, a processed card, or photocopy of same, may be provided to a law enforcement agency for fingerprint identification purposes, if so requested. User shall not release any criminal history information that is made exempt from public records disclosure by law. In particular, record information derived from the U.S. Department of Justice shall not be disseminated outside the User entity or used for a purpose other than that specified in the statute authorizing the request.

#### **IV. Termination**

Either ISP or User may suspend the performance of services under this agreement when, in the reasonable estimation of ISP or User, the other party has breached any material term of the agreement. Furthermore, upon ISP becoming aware of a violation of this agreement, which might jeopardize Idaho's access to federal criminal history information, ISP shall have the option of suspending services under this agreement, pending resolution of the problem. The violation of any material term of this agreement or of any substantive requirement or limitation imposed by the federal or state statutes, regulations, or rules referred to in this agreement shall be deemed a breach of a material term of the agreement.

Criminal history record information received from (ISP) shall be used only for the purpose stated in the request. National criminal history information received from the FBI is made confidential by federal law and regulation.

#### **V. Miscellaneous**

##### **A. User agrees that**

1. User is currently operating a lawful business or other entity within the State of Idaho, with a physical address in Idaho;
2. User is legally authorized to operate its business or other entity within the State of Idaho;

3. User has complied and will continue to comply with all requirements to properly operate its business or other entity within the State of Idaho; and

4. User shall promptly notify ISP upon any change to the above, including but not limited to name, address, and status as a business or other entity operating in Idaho.

B. This agreement supersedes any previous agreements concerning the NCPA of 1993.

C. This agreement may be amended by ISP as needed, to comply with state or federal laws or regulations, or administrative needs of ISP; and

D. This agreement is binding upon all User employees, agents, officers, representatives, volunteers, contractors, vendors, successors in interest, beneficiaries, subsidiaries, and assigns.

## **VI. Authority**

In 1993, Congress passed the National Child Protection Act (NCPA) that authorized criminal history record checks for persons who work with children in either an employee or volunteer status. This Act was amended in 1994 to include elderly and disabled persons. The Idaho State Police (ISP), Bureau of Criminal Identification (BCI), has established a program pursuant to the NCPA to permit qualified entities to submit fingerprint cards on employees and volunteers to receive state and federal criminal history information, in order to promote a broader exchange of criminal history information for purposes of assisting entities that provide care, treatment, education, training, instruction, supervision or recreation to children, the elderly or individuals with disabilities. NCPA Qualified Entity User

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The mission of this NCPA program is to protect: children (any unmarried person under 18 years of age, who has not been emancipated by order to the court); the elderly (a person who is 60 years of age or older); and individuals with disabilities (persons with a mental or physical impairment who require assistance to perform one or more daily living tasks).

The ISP BCI maintains the state's central repository of criminal history information. The repository is an automated database of records based on arrests reported to BCI from Idaho criminal justice agencies. As per Idaho Code, Section 67-3008, the bureau shall be the state's sole source of fingerprint submissions for criminal justice and applicant or licensing purposes to the Federal Bureau of Investigation.

Nothing in this memorandum alters the responsibilities or statutory authority of agencies of state or local governments.

## **VII. Restrictions On and Warranties Regarding Illegal Aliens**

The parties concur that this MOU is subject to Idaho Executive Order 2006-40. The parties warrant that they do not knowingly hire or engage any illegal aliens or persons not authorized to work in the United States; that they takes steps to verify that they do not hire or engage any illegal aliens or persons not authorized to work in the United States; and that any misrepresentation in this regard or any employment of persons not authorized to work in the United States constitutes a material breach and shall be cause for termination of this MOU. The parties also concur that this MOU is subject to Idaho Executive Order 2007-09, which prohibits Idaho State agencies from contracting with a vendor or service provider that performs services, or has a subcontractor perform services, at a site outside the United States. The parties must notify ISP in advance if, during the term of this MOU, they seek to shift services or work that it represented would be done inside the United States to outside the

United States. Failure to obtain the consent of ISP for such shift constitutes a material breach of this MOU.

IN WITNESS HEREOF, the parties hereto have caused this agreement to be executed by the proper officers and officials.

**NAME OF USER ENTITY**

**ENTITY HEAD TITLE**

**(PLEASE PRINT)**

**ENTITY HEAD**

**(SIGNATURE)**

**DATE**

**IDAHO STATE POLICE (ISP)**

**BY TITLE Bureau of Criminal Identification Manager**

**DATE**

## Appendix B



**Idaho State Police  
Bureau of Criminal Identification**



**Criminal History Record Checks  
Under the National Child Protection Act of 1993, as amended**

**WAIVER AGREEMENT AND STATEMENT FOR QUALIFIED ENTITIES TO REQUEST STATE AND FBI  
CRIMINAL HISTORY CHECKS**

**REGARDING:**

Applicant's name: \_\_\_\_\_

Applicant's current address: \_\_\_\_\_

Applicant's date of birth: \_\_\_\_\_ Applicant's social security number: \_\_\_\_\_

I hereby authorize (Name of Qualified Entity) \_\_\_\_\_  
to submit a set of my fingerprints to the Idaho State Police, Bureau of Criminal Identification, for the purpose of  
accessing and reviewing Idaho and national criminal history records that may pertain to me.

Check appropriate box: I have  OR have not  been convicted of a crime.

If convicted, describe the crime(s) and the particulars of the conviction(s) in the space below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that, until the criminal history background check is completed, the Qualified Entity may choose to deny me unsupervised access to children, the elderly, or individuals with disabilities. I further understand that, upon request, the Qualified Entity will provide me a copy of the criminal history background report, if any, they receive on me and that I am entitled to challenge the accuracy and completeness of any information contained in any such report;

I may obtain a prompt determination as to the validity of my challenge before the Qualified Entity makes a final decision about my status as an employee, volunteer, contractor, or subcontractor.

Any person, firm, organization, or corporation providing information or records in accordance with this authorization is released from any and all claims or liability for compliance. Such information will be held in confidence in accordance with agency guidelines.

\_\_\_\_\_  
Signature of Prospective Employee, Volunteer, Contractor, Subcontractor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness to Signature

\_\_\_\_\_  
Date

## Appendix C

<b>Coolin Cavanaugh Bay Fire Protection District</b>	<b>SOP: 1.2</b>
<b>VOLUNTEER BACKGROUND INVESTIGATION PROCEDURE</b>	
<b>Issued: 21 AUG 13 Revised</b>	

**I. Purpose**

The purpose of this directive is to establish procedures for conducting background checks on volunteer applicants and periodic checks on current volunteer to ensure the safety of the public and safe guard the integrity of Coolin-Cavanaugh Bay Fire Protection District (CCBFPD).

**II. Policy**

It is the policy of Coolin Cavanaugh Bay Fire Protection District (CCBFPD) that all new and existing volunteers undergo a Fingerprint Based Criminal Background Check through Idaho State Police Bureau of Criminal Identification.

CCBFPD reserves the right to conduct periodic background checks with the permission of the volunteer to ensure volunteer eligibility status.

**III. Procedures**

1. All applicants seeking to volunteer for service at Coolin-Cavanaugh Bay Fire Protection District agree to sign a waiver permitting the department, and Idaho State Police Bureau of Criminal Identification, to conduct fingerprint based background checks.
  - i) The expense of conducting a criminal background check through Idaho State Patrol will be the responsibility of CCBFPD.
2. Applicant will provide CCBFPD with a completed fingerprint card to be submitted to the Idaho State Police Bureau of Criminal Identification.
  - i) Recommended use of Bonner County Sheriffs fingerprinting services in Sandpoint, Idaho. The \$15 charge to be paid by the applicant in cash to the Bonner County Sheriff's office for the fingerprinting service. The charge will be reimbursed to the applicant when the fingerprint card is received by CCBFPD
3. Refusal by applicant to provide information required to perform a fingerprint based background check through the Idaho State Patrol Bureau of Criminal Identification shall be ground for non-acceptance.
4. Background checks resulting in criminal background findings that potentially disqualify an applicant will be reviewed by an attorney for CCBFPD.

**Confidentiality**

Only the Fire Chief or Fire Commissioner Chairperson may initiate criminal records check and receive results. Results of all such checks will be kept strictly confidential and will not be disclosed to any person except to the extent necessary to administer and enforce this policy, or as required by law or appropriate legal process. Records will be maintained as part of a confidential file separate from employee personnel files. Violation of the confidentiality requirement is grounds for discipline, up to and including termination of employment.